



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/796,678 | 03/09/2004 | David Kaminski | 706633US1 | 2628 |

24938 7590 08/04/2005

DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION
 CIMS 483-02-19
 800 CHRYSLER DR EAST
 AUBURN HILLS, MI 48326-2757

| |
|----------|
| EXAMINER |
|----------|

KING, ANITA M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3632

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,678

Applicant(s)

KAMINSKI ET AL.

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the second office action for application number 10/796,678, Vibration Isolation Support System for Vehicle Engine and Transmission, filed on March 9, 2004.

Claim Objections

Claim 1 is objected to because of the following informality: in line 4, --a-- should be inserted before "first". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,572,070 to Arciero et al., hereinafter, Arciero. Arciero discloses a vibration isolation support assembly (10) comprising: a first component bracket (14) fixed to a first vehicle component (12), the first component bracket including a first boss (56); a second component bracket (20) fixed to a second vehicle component (16), the second component bracket including a second boss (58); an isolator (18) mounted over the first boss of the first component bracket and mounted over the second boss of the second component bracket and operable to absorb vibration associated with relative movement between the

first vehicle component and the second vehicle component; wherein the isolator comprises elastomeric material; and wherein the second vehicle component is a vehicle frame.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,349,078 to Shimada et al., hereinafter, Shimada in view of U.S. Patent 4,638,965 to DeBruine et al, hereinafter, DeBruine. Shimada discloses a vibration isolation support assembly (10) comprising: a first component bracket (9) fixed to a first vehicle component (3), the first component bracket including a first hooked portion (9a); a second component bracket (11) fixed to a second vehicle component (4), the second component bracket including a second hooked portion (9a); an isolator (10) mounted over the first hooked portion of the first component bracket and mounted over the second hooked portion of the second component bracket and operable to absorb vibration associated with relative movement between the first vehicle component and the second vehicle component; wherein the isolator comprises elastomeric material; and wherein the second vehicle component is a vehicle frame

Shimada discloses the claimed invention except for the limitation of first and second bosses. DeBruine teaches a universal mounting bracket having an insulator (16) including a pair of apertures receiving a formed rod (22) having an enlarged head/boss (64) and a support stud (24) having an enlarged head/boss (64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the

Art Unit: 3632

hooked portions of the first and second component brackets to have included the enlarged head/boss as taught by DeBruine for the purpose of providing a means for allowing a more secured attachment between the first and second components.

Shimada combined with DeBruine disclose the claimed invention except for the limitation the first vehicle component being a transmission. Shimada teaches that the vehicle component is a heat generating member of an automobile and it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the support assembly taught by Shimada combined with DeBruine with a transmission to isolate the vibration between the vehicle and a transmission of the vehicle.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada combined with DeBruine and in further view of U.S. Patent 5,829,732 to Yamaguchi et al, hereinafter, Yamaguchi. Shimada combined with DeBruine disclose the claimed invention except for the limitation of the isolator comprising elastomeric material surrounding a metal block. Yamaguchi teaches an isolator having elastomeric material surrounding a metal block (6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the isolation support in Shimada combined with DeBruine to have included the isolator as taught by Yamaguchi for the purpose of increasing the vibration dampening effect due to resonance.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada combined with DeBruine and in further view of U.S. Patent 4,817,909 to Deane. Shimada combined with DeBruine disclose the claimed invention except for the limitation of the isolator having a metal band surrounding elastomeric material. Deane teaches an isolator having a metal band (18) surrounding elastomeric material. It would have been obvious to

Art Unit: 3632

one having ordinary skill in the art at the time the invention was made to have modified the isolation support in Shimada combined with DeBruine to have included the isolator as taught by Deane for the purpose of providing reinforcement to the isolator to aid in prevention of failure of the elastomeric material.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada combined with DeBruine and in further view of U.S. Patent 4,676,332 to Saito. Shimada combined with DeBruine disclose the claimed invention except for the limitation of the first vehicle component being an engine. Saito teaches an anti-vibratory elastic member (14) interposed between a first vehicle component, an engine (1) and a second vehicle component (2). Shimada teaches that the vehicle component is a heat generating member of an automobile and it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the support assembly taught by Shimada combined with DeBruine with an engine as taught by Saito to isolate the vibration between the vehicle and an engine of the vehicle.

Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,415,391 to Reid

U.S. Patent 5,032,342 to Drabing et al.

U.S. Patent 5,673,877 to Karner et al.

U.S. Patent 6,851,506 to Bovio

Reid discloses a molded synthetic rubber muffler or exhaust component hanger. Drabing et al. disclose a suspension eye for an exhaust system of a motor vehicle, and wherein the eye has a band of elastomer material and a liner. Karner et al. disclose an exhaust pipe hanger assembly. Bovio discloses an exhaust insulator adapted for use in a motor vehicle exhaust system and includes a vibration dampening mechanism and heat shield.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

Art Unit: 3632

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

August 1, 2005